

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 59 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
2 to 4 No

DILIPBHAI D GORASIA

Versus

REGIONAL TRANSPORT OFFICER

Appearance:

MR BN KESHWANI for Petitioner

MR. A.J. DESAI, APP for Respondents

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 27/02/98

ORAL JUDGEMENT

1. Rule. Learned A.P.P. Shri A.J. Desai waives service of Rule on behalf of the respondents. By the consent of the learned Advocates appearing for the parties, the matter is finally heard today.

2. Learned Advocate appearing for the petitioner has produced the impugned Notice dated 7.1.1998 on page 10, whereby respondent No.2 has intimated to the petitioner that subject Vehicle mentioned in the petition could be transferred according to his request only on disposal of 12 pending cases against the said vehicle.

3. The petitioner has seriously contested the decision taken by the authority of Respondent No.2 and has contended that Respondent No.2 cannot compel the petitioner to compound the offence and are duty bound under the law to forward the complaint to the competent court for disposal in accordance with law. If, any dues are payable, the petitioner shall discharge the same on determination by due process of law.

4. Learned APP Shri Desai on instructions from the Officer of the respondent No.2 stated that the respondents have no objection in forwarding the pending complaints to the competent court for appropriate decision in accordance with law. Hence, respondent No.2 is hereby directed to forward the pending cases against the petitioner to the competent court for decision in accordance with law without prejudice to the contention of the respondent No.2 to take appropriate action under

the law in case it is required in respect to subject vehicle. However, respondent No.1 shall decide the application of the petitioner for transfer of subject vehicle in accordance with the law as early as possible.

5. In the result, the Spl. Criminal Application succeeds to the aforesaid extent only. Rule is made absolute to the aforesaid extent. No order as to costs. Direct Service is permitted.

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